UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA SOUTH BEND DIVISION

IN RE: BIOMET M2a MAGNUM HIP) CASE NO. 3:12-md-2391-RLM-CAN
IMPLANT PRODUCTS LIABILITY)
LITIGATION (MDL 2391))
,)
)
This Document Relates to All Cases)

<u>ORDER</u>

Upon consideration of PSC II's Motion for Payment of Common Benefit Attorneys' Fees and Expenses from the Biomet Common Benefit MDL Assessment Fund and without objection, the court GRANTS the motion [Doc. No. 3897] and VACATES the July 12, 2021 hearing.

It is hereby ORDERED that \$415,000.00 shall be reimbursed to the 7 PSC II firms who paid a common benefit assessment to fund this litigation. The reimbursement of the common benefit assessments is to be paid by the escrow agent, Ramon Palmer, CPA of Epiq, from the Biomet Hip Common Benefit Cost Fund within 10 days of the entry of this order, as follows:

Cost Submission By:	Total Assessment
Bachus & Schanker	\$40,000.00
Beasley Allen	\$80,000.00
Fisher Boyd	\$75,000.00
Jones Ward	\$20,000.00
Justinian & Associates	\$40,000.00
Searcy Denney Scarola Barnhart & Shipley	\$80,000.00
The Gomez Firm	\$80,000.00
Total:	\$415,000.00

It is FURTHER ORDERED that the holdback of \$25,000.00 shall be reimbursed to the PSC I firms who advanced these funds to PSC II. The common benefit assessment reimbursement of \$1,250.00 shall be paid to each of the following 20 PSC I firms by the Escrow Agent, Ramon

Palmer, CPA of Epiq, from the Biomet Hip Common Benefit Cost Fund within 10 days of the entry of this order, as follows:

Repayment of Loan to PSC I – Payees:	Total Assessment
Anapol Schwartz	\$1,250.00
Andrews & Thornton	\$1,250.00
Aylstock, Witkin, Kreis	\$1,250.00
Babbitt Johnson	\$1,250.00
Beasley Allen	\$1,250.00
Clark Love	\$1,250.00
Climaco, Wilcox, Peca, & Tarantino	\$1,250.00
Fisher Boyd	\$1,250.00
Hovde Dassow and Deets, LLC	\$1,250.00
Jones Ward	\$1,250.00
Lanier Law Firm	\$1,250.00
Miller Firm	\$1,250.00
Neblett, Beard & Arsenault	\$1,250.00
Parker Waichman	\$1,250.00
Pope McGlamry	\$1,250.00
Saunders & Walker	\$1,250.00
Weitz & Luxenberg	\$1,250.00
Zimmerman Reed	\$1,250.00
Zoll, Kranz & Borgess	\$1,250.00
Meyers & Flowers	\$1,250.00
Total:	\$25,000.00

It is FURTHER ORDERED that the Court approves the \$350,070.63 common benefit held costs/expenses reimbursement request submitted by the PSC II firms, as being consistent with the Case Management Order Regarding Management of Timekeeping, Cost Reimbursement and Related Common Benefit Issues [Doc. No. 669; filed July 18, 2013]. Additionally, there will be a \$144,757.37 holdback of Beasley Allen's held costs, that will be paid in the future upon receipt of additional 6% holdback funds into the common benefit escrow account and the resolution of the ongoing litigation cost reimbursement dispute in the *Hayden* matter, by the *Hayden* Court. The remaining \$205,313.26 in common benefit held costs is to be paid by the Escrow Agent, Ramon

Palmer, CPA from Epiq, from the Biomet Hip Common Benefit Cost Fund within 10 days of the entry of this order, as follows:

Cost Submission By:	Held Costs
Beasley Allen	\$60,555.89
Fisher Boyd	\$17,867.90
Jones Ward	\$4,234.82
Saunders & Walker	\$2,689.48
Searcy Denney Scarola Barnhart & Shipley	\$106,069.96
Simmons Hanley Conroy	\$8,126.83
The Gomez Firm	\$5,768.38
Total:	\$205,313.26

It is FURTHER ORDERED that the Court approves the \$2,443,215.00 common benefit attorneys' fee as fair and just compensation for the common benefit work completed through the first quarter of 2021 from 360 cases that have resolved in connection to this this MDL. The Court authorizes the payment of common benefit attorneys' fees to be paid by the Escrow Agent, Ramon Palmer, CPA from Epiq, from the Biomet Hip Common Benefit Cost Fund within 10 days of the entry of this order, as follows:

Payee:	Initial Fee Disbursement
Aylstock Witkin	\$31,380.00
Bachus & Schanker	\$7,200.00
Beasley Allen	\$653,915.88
Fisher Boyd	\$0.00
Garretson/Epiq	\$0.00
Jones Ward	\$190,542.62
Simmons Hanly Conroy	\$31,200.00
Justinian & Associates	\$52,620.00
PSC #1	\$0.00
Saunders & Walker	\$27,870.00
Searcy Denney	\$642,245.87
The Gomez Firm	\$49,800.00
Justin Presnal	\$109,973.60
Total:	\$1,796,747.97

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The Court also approves that the \$646,467.03 "shortfall" amount shall be paid *pro rata* to Beasley

Allen; Jones Ward; Searcy Denney; and Justin Presnal from the 6% holdback from recently settled

but not funded cases, anticipated future settlements, and paid verdicts. The Court further permits

Garretson/Epiq to make future quarterly payments towards this shortfall as additional 6% common

benefit assessments are received by the Escrow Agent in the manner set forth in Exhibit H, of the

PSC's Motion for Common Benefit Attorneys' Fees and Expenses. [Doc. No. 3897-8].

It is FURTHER ORDERED that the Court permits Common Benefit Applications hereafter

every six months for any requests for the payment of additional common benefit fees or expenses

for work performed by PSC II or others from April 1, 2021, through the end of this MDL and the

pendency of the remanded cases subject to the MDL's common benefit order.

It is FURTHER ORDERED that the Court approves the payment of fees owed to

Garretson/Epiq for QSF services in the amount of \$9,806.40 and Escrow Agent services in the

amount of \$6,000.00.

SO ORDERED.

ENTERED: June 22, 2021

/s/ Robert L. Miller, Jr.

Judge

United States District Court

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